United Nations S/2018/87

Security Council

Distr.: General
2 February 2018

Original: English

Letter dated 1 February 2018 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey herewith a note, dated 24 January 2018, from the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW), entitled "Completion by Libya of the destruction of its chemical weapons stockpiles" (see annex).

The note was prepared in accordance with the relevant provisions of OPCW Executive Council decision EC-M-52/DEC.1, of 20 July 2016, and Security Council resolution 2298 (2016), of 22 July 2016, for transmission to the Security Council.

I welcome the confirmation by the Director General that Libya has completed the destruction of its entire declared stockpile of chemical weapons, with the consent and support of the international community.

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

18-01615 (E) 070218

Please recycle

Annex

[Original: Arabic, Chinese, English, French, Russian and Spanish]

I have the honour to transmit to you the note by the Director General entitled "Completion by Libya of the destruction of its chemical weapons stockpiles" (see enclosure).

(*Signed*) Ahmet **Üzümcü**

Enclosure

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Note by the Director General

Completion by Libya of the destruction of its chemical weapons stockpiles

1. In December 2017, the Director General reported to the Executive Council (hereinafter "the Council") that Libya had completed the destruction of its Category 2 chemical weapons stockpiles on 23 November 2017 (EC-87/DG.6, dated 22 December 2017) at the Gesellschaft zur Entsorgung von chemischen Kampfstoffen und Rüstungsaltlasten mbH (GEKA mbH) facility in Munster, Germany. Libya's stockpile consisted of 26.345 metric tonnes (MT) of Category 1 chemical agent, 1,181.015 MT of Category 2 chemical agent, and 3,770 items of Category 3 unfilled weapons.

2. Destruction of Libya's stockpile began in 2004 at the destruction facility in Ruwagha, Libya, with the demolition of 3,563 unfilled air bombs. Destruction of all declared Category 3 items was completed in 2004. In 2005, the Technical Secretariat verified the destruction of 551 MT of Category 2 sodium sulfide and sodium fluoride. Neutralisation of Category 1 distilled mustard (HD) began in 2010 and continued until the end of 2013. In November 2011, Libya informed the Council of recently discovered undeclared Category 1 and 3 chemical weapons; those items were destroyed in a static detonation chamber in Ruwagha in 2014. Using dilution, 114 MT of isopropanol alcohol was destroyed in 2016. Due to a changing security situation, a total of 19 MT of pinacolyl alcohol was moved to a location near Tripoli, where it was destroyed in an afterburner chamber.

3. In August 2016, with the consent and support of the international community, approximately 500 MT of Category 2 agent, including 138.770 MT of phosphorous trichloride, 100.83 MT of thionyl chloride, 238.66 MT of tributylamine, and 18 MT of 2-chloroethanol, were transported outside the territory of Libya for destruction at the GEKA facility. Destruction was completed on 23 November 2017.

4. As a consequence, the Director General is pleased to report that Libya has completed the destruction of its entire declared stockpile of chemical weapons.

United Nations S/2018/88

Security Council

Distr.: General
6 February 2018
English
Original: Arabic

Identical letters dated 2 February 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and in response to the baseless allegations contained in the identical letters dated 29 December 2017 from the representative of Israel, the occupying Power, addressed to the Secretary-General and the President of the Security Council (S/2017/1130), I should like to bring to your attention the following information:

- As it has for over half a century, Israel continues to occupy the Syrian Golan in stark violation of all authoritative international resolutions that call on it to end its occupation, withdraw fully from the occupied Syrian Golan to the line of 4 June 1967, and halt its systematic violations and oppressive daily practices against Syrian civilians suffering under occupation.

- Since the onset of recent events in Syria, Israel, the occupying Power, has added a new chapter of aggressive acts and violations of the 1974 Agreement on Disengagement between Israeli and Syrian Forces and of Security Council resolutions, especially those relating to counter-terrorism, by providing all manner of military, material, logistical and medical support to members of the armed terrorist groups active in the area of separation in the occupied Syrian Golan. Those groups include the Nusrah Front, an organization appearing on the Security Council list of terrorist entities. Israel has facilitated the transit and movement of members of such groups from the far south of the area of separation to the north. These facts have been documented by various United Nations reports.

- We would like to point out that the command of the United Nations forces operating in the occupied Syrian Golan was not informed of the fabricated allegations appearing in the above-indicated identical letters. It did not register them in its records, and did not inform us about them in accordance with the 1974 Disengagement Agreement. Moreover, the alleged actions mentioned in the identical letters from the representative of Israel are being carried out by armed terrorist groups located in the northern and southern sections of the area of separation — that is to say, in Qahtaniyah, Qunaytirah, Hamidiyah, Jubbata al-Khashab, Ufaniyah, Ruwihinah, Burayqah, Bir Ajam and Ishshah — in full coordination with the Israeli occupation forces, which are providing logistical, medical, intelligence and operational support to those groups. Such support is currently being actively provided in the northern part of the area of separation by the Israeli occupation forces to terrorists from the Nusrah Front in Jubbata

al-Khashab and Hamidiyah. We note that right up until two weeks before the Syrian Arab Army entered the town of Bayt Jinn and took care of the armed fighter situation there, Israel, the occupying Power, continued to work day and night to provide the armed terrorist groups in Bayt Jinn with closed containers, a fact observed and documented by United Nations Disengagement Observer Force.

- Armed terrorist groups have erected an earthen berm that stretches from the town of Hurriyah as far as Jubbata al-Khashab, with oversight and coordination by the Israeli occupation forces. Its purpose is to provide logistical support for the armed terrorist groups out of sight of the Syrian Government. Through a crossing they have established along with the armed terrorists in Jubbata al-Khashab behind the earthen berm, the Israeli occupation forces have been providing logistical, military and medical support to armed terrorist groups, starting in Jubbata al-Khashab and stretching to Burayqah and Bir Ajam.

- The armed terrorist groups have been attacking the Syrian Arab Army forces from points along the ceasefire line. That has been documented by the United Nations command.

- The 1974 Disengagement Agreement provides that the occupation forces shall, within a 24-hour period, hand over any person who crosses or breaches the ceasefire line to United Nations forces, which shall in turn hand that person over to the Syrian authorities. As it happens, the Israeli occupation forces have not handed over a single person. That fact alone should be construed as evidence enough to refute their fraudulent claims. That is not to mention all the observations and confirmations of the United Nations that point to close cooperation between the Israeli occupation forces and armed terrorist groups crossing the ceasefire line and coordinating with the occupation forces.

- Using the pretext of shells landing in the occupied Syrian Golan, the Israeli occupation forces have attacked several Syrian Arab Army positions. They have also launched aerial bombing and missile strikes against many sites inside Syria on several occasions without any pretext at all, as part of the Israeli occupation forces' support for the armed terrorist groups.

- The Syrian Government stresses that the allegations contained in the Israeli identical letters issued in the above-mentioned document are baseless. They are no more than a desperate attempt to justify the support provided by the Israeli occupation forces to the terrorist Nusrah Front and other armed terrorist organizations.

The Government of the Syrian Arab Republic calls on the United Nations, and in particular the Security Council, to take urgent measures to put an immediate stop to the ongoing Israeli attacks and violations, and to compel Israel to implement the relevant Security Council resolutions, particularly resolutions 242 (1967), 338 (1973) and 497 (1981), and withdraw from all of the occupied Syrian Golan to the line of 4 June 1967.

I should be grateful if this letter could be issued as a document of the Security Council.

(*Signed*) Mounzer **Mounzer**
Minister Plenipotentiary
Chargé d'affaires a.i.

United Nations S/2018/89

Security Council

Distr.: General
25 January 2018

Original: English

Report of the Secretary-General on the situation in Burundi

I. Introduction

1. The present report is submitted pursuant to resolution 2303 (2016), in which the Security Council requested me to report to it on the situation in Burundi every three months, including on any public incidents of incitement to hatred and violence. Further to his appointment on 5 May 2017 and his subsequent visits to Burundi and the region, my Special Envoy briefed the Council on 26 July and 20 November 2017 to provide his assessment of the situation in that country and of the outcome of his meetings with government officials, political party leaders and civil society representatives, as well as with the President of Uganda, Yoweri Museveni, and the former President of the United Republic of Tanzania, Benjamin Mkapa, the mediator and the facilitator, respectively, of the East African Community-led dialogue process.

2. The present report covers the period since the briefing by my Special Envoy of 20 November 2017 and provides details on the latest political developments in Burundi, regional efforts to convene an inclusive dialogue and the activities of my Special Envoy and the United Nations system in that country.

II. Major developments

A. Political developments

3. More than two and a half years after the beginning of the latest crisis in Burundi, the political situation remains tense. The Government continues to seek constitutional amendments, exacerbating tensions with the opposition. Meanwhile, stymied by persistent mistrust between the Government and the opposition, regional efforts to bring together the parties to the conflict have been unsuccessful thus far. Rather than seeking common ground, the stakeholders continue to wrangle over the dialogue process itself.

Developments within Burundi

4. The Government of Burundi has continued on its course to revise the Constitution. On 24 November 2017, the Government adopted recommendations of the National Commission for the Inter-Burundi Dialogue. Expected to be put to referendum in May 2018, the proposed revisions include: (a) extending the presidential term to seven years; (b) providing a five-year period for a possible review of the ethnic quota of 60 per cent Hutu to 40 per cent Tutsi in the executive branch,

18-01202 (E) 070218

Please recycle

the Parliament and the judicial branch; (c) creating the post of Prime Minister and removing the post of Second Vice-President; and (d) replacing the two-thirds majority necessary to pass basic bills in Parliament with a simple majority. Many stakeholders and partners of Burundi have raised concerns that the proposed revisions could reverse some of the gains made as a result of the Arusha Peace and Reconciliation Agreement for Burundi. Providing an opportunity to abolish the ethnic quota enshrined in the accord is of particular concern.

5. In Bugendana, in the province of Gitega, on 12 December, the President of Burundi, Pierre Nkurunziza, launched a campaign in favour of the revisions. Joined by government officials, leaders of registered political parties associated with the ruling party, Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), diplomatic representatives and a crowd numbering in the thousands, the President applauded the amendments for providing Burundi with a modern Constitution and warned those seeking to oppose the changes, vocally or actively, of crossing a red line. In response, leading opposition figure Agathon Rwasa of the coalition Amizero y'Abarundi, who is also the First Vice-President of the National Assembly, boycotted the ceremony and denounced it as a violation of the law. The Vice-President of the opposition party Sahwanya-Front pour la démocratie du Burundi (Sahwanya-FRODEBU), Léonce Ngendakumana, described the campaign as a development that could further exacerbate the sociopolitical climate in Burundi.

6. On 5 November, President Nkurunziza extended by six months the mandate of the Independent National Electoral Commission, a decision that was contested by the opposition. On 15 December, the President of the Commission met with political party leaders, civil society organizations and religious representatives to request their participation in the provincial and communal electoral commissions.

7. Meanwhile, on 11 December, the Minister for the Interior and the Minister for Finance signed a joint ordinance outlining a system of payment of voluntary contributions from the public to a Government-run fund for the 2020 elections. The fund was launched in June 2017 by President Nkurunziza, who contributed F Bu 5 million, or $2,850, and called upon the population to join him in what he considered to be fulfilling one's patriotic duty. Lauded as symbolic of the financial autonomy of Burundi vis-à-vis donor nations, the fund has been described by President Nkurunziza as the recovery of national political independence in unity. Several ministers, high-profile government officials and civil society organizations have publicly contributed to the fund. Employees, students and unemployed persons have been requested to pay a set amount, ranging from the equivalent of 50 cents to one month's salary per year, beginning in January 2018. Contributions from civil servants are to be withdrawn automatically from their salaries. Those who are unable to pay must provide the reason in writing.

8. The chairs of the civil society organization Parole et action pour le réveil des consciences et l'évolution des mentalités, Faustin Ndikumana and Gabriel Rufyiri, and the anti-corruption watchdog group Observatoire de lutte contre la corruption et les malversations économiques denounced the campaign as illegal. Mr. Rufyiri went further, describing the system as the organized daylight robbery of the world's poorest people. The opposition umbrella group Conseil national pour le respect de l'Accord d'Arusha pour la paix et la réconciliation au Burundi et la restauration de l'état de droit (CNARED) and Sahwanya-FRODEBU also denounced the campaign.

Inter-Burundian dialogue led by the East African Community

9. The East African Community-led inter-Burundian dialogue did not make significant progress. During a fourth dialogue session, held in Arusha, United Republic of Tanzania, from 27 November to 8 December, the parties failed to engage

in a genuine and direct dialogue to reach an agreement or issue a statement, notwithstanding efforts made by the facilitator. Instead, the facilitator compiled a summary of convergent and divergent points to present to the mediator.

10. On 7 November, prior to the dialogue session, the Permanent Representative of Uganda to the United Nations visited President Nkurunziza on behalf of President Museveni to discuss efforts to move the political process forward. On 20 October, the facilitator also met with the Secretary-General of CNDD-FDD as part of consultations held before the dialogue session. Meanwhile, the Minister for Interior and Civic Education convened a meeting of the Political Party Forum on 21 November, comprising leaders and representatives of registered political parties, in preparation for the session. During that meeting, the Secretary-General of CNDD-FDD appealed to the participants to lobby the facilitator in order to prohibit civil society representatives from taking part in the meeting, arguing that discussions should be held between politicians only.

11. Nonetheless, some 32 registered political parties and identified civil society organizations, along with members of the media, women, young persons and religious groups, with the exception of the Catholic Church, attended the session. The Government was represented by the Assistant to the Interior Minister and CNDD-FDD by senior members of the party. The Ombudsman and Domitien Ndayizeye and Sylvestre Ntibatunganya, two former Presidents, were also present. Leaders of Burundi-based opposition groups, including Agathon Rwasa and Evariste Ngayimpenda of Amizero y'Abarundi and Léonce Ngendakumana of Sahwanya-FRODEBU also attended. CNARED was not invited as a bloc and, as a result, its members declined to attend. In addition, 34 individuals on the Government's arrest warrant list were not invited. In a statement and letter to the mediator of 18 November, CNARED dismissed the session as a ploy to support President Nkurunziza in his efforts to bury the Arusha Agreement and the Constitution. Leaders of the "Halte au troisième mandat" ("Stop the third term") campaign also refused to attend, arguing that the process lacked inclusivity and that security was not guaranteed for participating civil society representatives. The leaders also criticized the leadership of the East African Community for not matching their rhetoric to their values, arguing that a party to the conflict had successfully diverted the objective of the process to its advantage, rendering the dialogue meaningless.

12. On 8 December, the session was concluded with a summary of 19 points of convergence, including: (a) the sovereignty of Burundi and the political and social rights of all Burundians; (b) the commitment to the Arusha Peace and Reconciliation Agreement and the Constitution as the foundation for sustainable peace, security and stability; (c) the political nature of the crisis and the need for a political solution; and (d) the need to create a secure environment for the return and reintegration of refugees and exiled political actors, as well as for the resettlement of internally displaced persons, with the support of other stakeholders and the international community.

13. The facilitator also summarized 11 points of divergence, issues on which participants were unable to agree, as follows: (a) the depoliticization of the security organs; (b) basic freedoms for individuals and legally organized groups, such as freedom of association, assembly, speech and movement; (c) the release of political prisoners; (d) constitutional amendments; (e) the move from a two-thirds majority to a simple majority in the Parliament; (f) the disarming of civilians and groups; (g) personal security and the protection of property belonging to returning exiled political actors; (h) security sector reforms; (i) engagement with armed groups ready to renounce violence and pursue a peaceful settlement; (j) the opening up of the political space; and (k) the lifting of arrest warrants and the offer of amnesty to political detainees.

14. The facilitator pledged to meet with the mediator in order to brief him on the session and seek his views on the way forward, with a view to planning an additional session in the coming months. The Government, however, continued to insist that the process be moved to Burundi, arguing that there was no crisis in that country. On 11 December, the Spokesperson for the Government issued a statement asserting that the meeting had been the last to be held outside the country. In the statement, the Spokesperson called upon refugees and exiled Burundians who were not facing prosecution to return home and contribute to the organization of the 2020 elections. As for those for whom an arrest warrant had been issued, the Government continued to call upon them to return in order to face justice.

15. Conversely, political opposition leaders maintained that the security situation in Burundi was poor, human rights abuses continued and a genuine and inclusive dialogue would be needed to provide a sustainable solution to the crisis, while also stressing the dire socioeconomic and humanitarian situation in the country. On 8 December, CNARED issued a communiqué in which it urged regional leaders, namely President Museveni and the President of the United Republic of Tanzania, John Magufuli, to exert political, diplomatic and economic pressure, including a possible embargo, on President Nkurunziza in order to compel him to join the dialogue. It called upon the African Union, the East African Community and the United Nations to recognize that President Nkurunziza did not want to negotiate and requested the United Nations to further involve itself in the resolution of the crisis. It also warned of the risks of a civil war caused by the pursuit by President Nkurunziza of lifetime presidency.

B. Security situation

16. The overall security situation remained calm but volatile and was marked by isolated incidents, which the Government often attributed to banditry or land disputes. Following a decrease in reported grenade attacks and kidnappings in September, seven grenade attacks were reported in Bujumbura Mairie and in the province of Muramvya between 20 November and 20 December.

17. On 22 October, four leaders of the recently created opposition movement, Forces populaires du Burundi, were reportedly arrested by the security forces of the United Republic of Tanzania and transferred to security agents of Burundi. That opposition group and others have called upon the authorities of the United Republic of Tanzania to provide information on the leaders' whereabouts. Neither the Government of the United Republic of Tanzania nor the Government of Burundi has confirmed the arrests.

18. The security situation was also characterized by ongoing house search operations by police, notably in neighbourhoods of Bujumbura Mairie, where anti-Government demonstrations in 2015 had been most pronounced. Frequent arrests were made during such operations of those not registered in the *cahier de ménage* (a visitors' book required to be kept by each household); some of those arrested were detained and interrogated. Arrests of real or perceived opposition members continued, notably of the party Forces nationales de libération (FNL)/Rwasa, and the party Mouvement pour la solidarité et la démocratie. In the eastern province of Ruyigi, on 18 December, five supporters of FNL/Rwasa were arrested and accused of having held an unauthorized meeting on the proposed referendum. On 10 January, a spokesperson for FNL/Rwasa said that more than 45 FNL members had been arrested since the beginning of the campaign in favour of the constitutional amendments.

19. Cross-border incidents were also reported during the period under review. On 25 November, a police spokesperson announced that six fishermen of Burundi had

been kidnapped by the military of Rwanda on Lake Rweru, in the province of Muyinga, on 24 November and later released. No official reaction from the authorities of Rwanda was reported.

20. Local residents and civil society organizations, in particular in the provinces of Kirundo, Ngozi and Makamba, continued to denounce an alleged intensification of paramilitary training of the Imbonerakure, the youth wing of the ruling party, and the politicization of young people, prompting fear in local communities. Some media, civil society activists and political actors in exile also reported the unconfirmed forced disappearances or assassinations of notorious Imbonerakure members, who were allegedly silenced to prevent them from reporting their criminal activities.

C. Socioeconomic developments

21. The socioeconomic situation in Burundi continued to deteriorate. According to the World Bank, in 2017, economic growth remained at 1.5 per cent, while there was no change in key macroeconomic indicators. Public investment and foreign exchange reserves dropped sharply during that year. Inflation soared from 5.6 per cent in December 2016 to 18 per cent at the beginning of December 2017. The shortage of United States dollars increased the cost and decreased the availability of imported items, including food, medicine and electricity, and depreciated the national currency. Unemployment among young people was another cause for serious concern, given that 65 per cent of young people were estimated to have been out of work in December 2017. The Government of Burundi claims that its budget will increase by 6.2 per cent in 2018 and has pledged to finance more than 80 per cent of the budget through internal resources in order to end its reliance on foreign assistance and protect its sovereignty.

22. According to the Global Fund to Fight AIDS, Tuberculosis and Malaria, Burundi has made progress in combating those diseases. On 8 December, the Government and the World Health Organization declared the end of the malaria epidemic that had begun in March 2017, affecting more than 7 million people. The country successfully used a community-based approach, supported by the United Nations Children's Fund and its partners, to expand prevention, diagnosis and care services rapidly, including by distributing 15 million insecticide-treated nets, in order to contain the outbreak. Meanwhile, some 7,000 community health workers were trained in 2017 to provide integrated care in treating HIV, tuberculosis, malaria, malnutrition and gender-based violence. One in five adults have HIV/AIDS. The Executive Director of the Joint United Nations Programme on HIV/AIDS announced on 16 December, during a visit to Burundi, a reduction in cases of mother-to-child transmission of HIV. Chronic malnutrition, however, remained prevalent in most provinces.

D. Humanitarian situation

23. The humanitarian situation in Burundi has continued to be a cause for serious concern. The number of internally displaced persons stood at 188,000 in November, with 58 per cent under the age of 18 years. The number of refugees in neighbouring countries stood at more than 400,000 in December, with some 254,000 living in the United Republic of Tanzania. The number of new arrivals in the United Republic of Tanzania, however, substantially decreased after the Government of that country rescinded prima facie status for refugees of Burundi in February. Furthermore, some 13,000 refugees of Burundi have returned voluntarily following a tripartite agreement, on 30 August, among the Government of Burundi, the Government of the United Republic of Tanzania and the Office of the United Nations High Commissioner

for Refugees. Some 60,000 additional refugees are expected to return in 2018, mostly from the United Republic of Tanzania. In order to facilitate the sustainable reintegration of returnees and to avert possible conflict with local populations, the United Nations and its humanitarian partners in Burundi will employ a joint response plan.

E. Human rights and judicial cooperation

24. During the reporting period, the Office of the High Commissioner for Human Rights (OHCHR) continued to receive allegations of serious human rights violations and abuses, primarily by the State and affiliated actors, including killings, enforced disappearances, torture and ill-treatment, more than 1,000 arbitrary arrests and detentions and restrictions on the freedoms of association, expression and movement. Members of the political opposition, in particular, have been arbitrarily arrested and detained. Most opposition parties, independent non-governmental organizations and the media have remained banned or suspended. The ongoing political impasse has also had a devastating impact on economic and social rights.

25. The reports received by OHCHR are consistent with the findings of the Human Rights Council-mandated Commission of Inquiry on Burundi, which has documented the persistence of extrajudicial executions, arbitrary arrests and detentions, enforced disappearances, torture and cruel, inhuman or degrading treatment and sexual violence in Burundi since April 2015, committed by members of the National Intelligence Service, the police, the army and the Imbonerakure.[1] On 26 October, the Commission of Inquiry presented its report to the Third Committee of the General Assembly, concluding that there were reasonable grounds to believe that crimes against humanity have been committed and continue to be committed in Burundi since April 2015. Throughout the work of the Commission of Inquiry, authorities of Burundi rejected its repeated attempts to establish a dialogue and obtain information from the Government, and did not allow its members to travel to Burundi. The Permanent Representative of Burundi to the United Nations delivered a statement threatening legal action against the independent experts on charges of "offense and attempt to destabilize Burundi".

26. Despite the serious allegations of human rights violations and abuses reported by state agents or the Imbonerakure, little effort has been made to investigate and combat impunity. During the reporting period, the issue of accountability for alleged crimes and the engagement of the International Criminal Court continued to prompt debate in Burundi and within the region. On 27 October, the decision of Burundi to withdraw from the Rome Statute of the Court entered into effect, although the Court retains jurisdiction over crimes committed while Burundi was a State party. On 9 November, the Court announced that on 25 October, its Pre-Trial Chamber III had authorized the Court Prosecutor to launch a formal investigation into alleged crimes against humanity committed in Burundi from 26 April 2015 to 26 October 2017. In a statement, the judges cited alleged perpetrators as members of the police, the intelligence service, the army and the Imbonerakure.

27. Government sources harshly criticized the decisions of the Court. On 11 November, in a statement issued by the presidency of the United Republic of Tanzania, Presidents Museveni and Magufuli were reported as regretting that the Court decision would undermine the East African Community-led peacemaking efforts. The statement was welcomed by representatives of the Government of Burundi. In contrast, on 12 November, in a further public statement, the then-leader of CNARED urged Presidents Magufuli and Museveni to advocate for an end to

[1] See A/HRC/36/54.

killings and to prevent constitutional amendments. The statement also included a call for the peace process to continue to be pursued outside of Burundi itself.

28. The cooperation of the Government of Burundi with OHCHR has remained suspended since October 2016. Discussions on the signing of a new memorandum of understanding were held in September 2017. On 18 October, OHCHR submitted to the authorities of Burundi a revised version of the draft memorandum of understanding, addressing all pending matters, followed by a reminder on 1 December. On 12 January 2018, the Minister for External Relations and International Cooperation of Burundi requested that OHCHR propose a date for the resumption of negotiations on the draft memorandum of understanding. While indicating its readiness to resume negotiations, OHCHR requested that the Government provide its official response on the draft document that had been transmitted in October 2017. Separately, on 18 January 2018, the Working Group on the Universal Periodic Review of the Human Rights Council examined the human rights record of Burundi.

III. Activities of my Special Envoy and his office

29. My Special Envoy travelled twice to Burundi and the United Republic of Tanzania, in November and December, to continue his engagements with national stakeholders, including the authorities of the Government of Burundi, and to consult with the East African Community facilitator of the inter-Burundian dialogue.

30. In Bujumbura, my Special Envoy met with government officials, including the Minister for External Relations and International Cooperation and the Ombudsman, with whom he discussed the dialogue process, the revision of the Constitution and the progress of the status-of-mission agreement. The Ombudsman insisted on the need to conclude the East African Community-led dialogue rapidly and relocate it to Bujumbura. From 11 to 14 December, my Special Envoy met again with the Minister for External Relations, as well as with the Swedish Special Envoy to the Great Lakes Region and European Union ambassadors to Burundi. He also met with the Special Envoy to the Great Lakes Region of the International Organization of la Francophonie and the Special Representative of the Chairperson of the African Union Commission for the Great Lakes Region, with whom he discussed the outcome of the most recent dialogue session and prospects for further sessions.

31. My Special Envoy concluded each of his visits to Burundi by briefing the facilitator in Dar es Salaam, the United Republic of Tanzania, on his meetings with various stakeholders. In that context, they exchanged views on the resumption of the dialogue in the light of the Government's ongoing plans to amend the Constitution and the request made by the ruling party to conclude and relocate the East African Community-led dialogue to Burundi. On 16 December, my Special Envoy and the facilitator discussed the conclusions of the fourth session of the dialogue and next steps. They also exchanged views on how the United Nations, in partnership with the African Union, can best continue to provide support with a view to revitalizing the East African Community-led mediation.

32. A team from the Office of the Special Envoy in Bujumbura joined the joint technical working group in Arusha on 23 November to assist the facilitator at the fourth dialogue session. Upon assuming the position on 27 November, the new head of the Office made courtesy calls to partners and other members of the international community. The Office continued its engagements with political actors and other major stakeholders in order to encourage participants to remain committed to the spirit of an inclusive dialogue.

33. It should be recalled that a draft status-of-mission agreement was submitted to the Government of Burundi on 27 June 2016. In October, the Government expressed its readiness to discuss the draft with a United Nations legal expert. On 18 December, the Ministry of External Relations and International Cooperation addressed a note verbale to the Office of the Special Envoy of the Secretary-General for Burundi, requesting, inter alia, that: (a) the format of the status-of-mission agreement be reviewed in order to specify the rights and obligations of each party; (b) the length and duration of the mission be indicated, now that the external dialogue was over; and (c) further discussion be conducted to conclude the status-of-mission agreement.

IV. Observations and recommendations

34. I am deeply concerned that, notwithstanding the facilitator's relentless efforts, and the strong support of my Special Envoy, to reconvene the inter-Burundian dialogue, the process remains deadlocked. It is crucial that all parties, most especially the Government, commit to the East African Community-led process and reach an agreement before the 2020 elections. To that end, we need to revitalize our collective efforts to bring an end to the crisis and the resulting suffering of the people of Burundi. I therefore continue to count on the leadership of the subregion, the East African Community and the African Union to redouble their efforts in order to ensure that stability is restored in Burundi. I also urge the guarantors of the Arusha Agreement to meet their obligations in that regard. During my recent meeting in Addis Ababa on the margins of the African Union summit, on 27 January, I was able to reiterate my concerns to all those who are engaged in the Burundi dossier.

35. I reiterate the full support of the United Nations for the East African Community-led dialogue through enhanced cooperation with the African Union, in particular within the framework of the joint technical working group. I commend the East African Community mediator, President Museveni, and the facilitator, former President Mkapa, for their tireless efforts and resolve to bring various stakeholders to the table, as was again witnessed during the recent dialogue session. Furthermore, I was encouraged by the report of the facilitator and his efforts to bring the region together to further examine the possibilities of a peaceful solution to the crisis.

36. While it is the sovereign right of Burundi to amend its Constitution, I strongly believe that such an important undertaking must be conducted in an inclusive manner that involves achieving maximum participation and consensus among the key political stakeholders. It requires a political and security environment that inspires the confidence of all political actors involved. Convening an inclusive dialogue is the only way in which Burundi can restore trust between opposing stakeholders and strengthen national unity and democratic values. Several of the proposed changes have already been challenged by the opposition as attempts by the ruling party to consolidate its hold on power, which may cause unrest. It is worth recalling that the Arusha Agreement clearly defined the nature and causes of conflict in Burundi, in particular the struggles of its political class to accede to and remain in power. That historic accord fostered stability and unity in the wake of a decade of war. It is on that basis that Burundians, working together with the support of the region and the international community, can build a stronger future for their country.

37. I note the improvements in the security situation in the country, and I urge the Government to continue its efforts in that direction. There should be no grounds for complacency. Neither the absence of an overt military confrontation nor the voluntary repatriation of refugees is a sufficient indication of sustainable security and stability in the country. Durable peace comes with addressing the underlying root causes of the crisis, not by jeopardizing the foundations of relative normalcy, such as the Arusha

Agreement, which brought a decade of peace to the country. This is particularly important leading into the 2020 electoral cycle.

38. I am deeply concerned by the state of the economy of Burundi, which has been exacerbated by the political crisis. Addressing the economic challenges will require a renewed effort to restore confidence and trust between the Government of Burundi and its development partners.

39. In order to build a stronger and more stable nation, cooperation between Burundi and the United Nations is essential in all areas of common interest, including socioeconomic development, humanitarian assistance, democracy and governance, the rule of law and respect for and the promotion of human rights. My Special Envoy, together with the Resident Coordinator, the United Nations country team in Burundi, the Peacebuilding Commission and the Peacebuilding Support Office, will continue to work actively with the authorities of Burundi and other stakeholders in order to combat impunity and protect the rights of all Burundians. Sustained development is not feasible without an enabling political environment in which human rights, democratic principles and basic freedoms are respected. I once again urge the Government of Burundi to continue to collaborate with the humanitarian community in the identification of needs, planning and humanitarian response. In addition, I call upon the international community to prioritize the provision of assistance to Burundi on health-related issues.

40. I commend the generosity of neighbouring countries in their hosting of refugees of Burundi. It is important that the voluntary return of refugees be carried out in line with the agreed principles of respect and dignity enshrined in the Convention relating to the Status of Refugees of 1951. I am also aware of the lack of capacity and funding for the reintegration of returnees to their communities. To that end, I appeal to the partners of Burundi to support the sustainable reintegration of returnees further and to ensure their protection.

41. Reports of ongoing crimes against humanity must be treated with the utmost seriousness. It is particularly worrying that reporting indicates that many violations by the State and the Imbonerakure continue to be targeted against political opposition actors and their supporters.

42. I am also concerned by the lack of progress regarding relations between the Government and OHCHR. I call upon the authorities of Burundi to cooperate with United Nations human rights mechanisms. I encourage the authorities of Burundi to implement the Human Rights Council resolutions adopted in September 2017 and conclude discussions with OHCHR towards the discharge of its full mandate in Burundi. I also call upon the Government to sign the memorandum of understanding with the African Union on the deployment and activities of that organization's human rights observers and military experts, which will allow them to operate fully in the country in fulfilment of their mandated responsibilities.

43. The United Nations remains committed to continuing to work closely with Burundi, as has been the case in the past. In that regard, I urge the Government to work with my Special Envoy to expedite the finalization of the status-of-mission agreement.

44. I am grateful for the determined efforts of my Special Envoy and the United Nations system in Burundi. The United Nations system is acutely aware of the deep need of Burundi and its people for long-term peace, development and human rights. This is not an impossible situation. With national and international leadership, real progress can be made almost immediately. Two years after the eruption of the current crisis, and with no end in sight, I strongly believe that all parties, in particular the Government, must constructively engage in the political process, avoid further

instability in the country and find a solution in the larger interest of the people of Burundi. In doing so, they should be guided by the spirit and the letter of the Arusha Peace and Reconciliation Agreement for Burundi. I call upon the Security Council and the international community to engage with all urgency in this end, and stand ready to support it in this regard.

United Nations S/2018/90*

Security Council

Distr.: General
2 February 2018

Original: English

Note by the President of the Security Council

Following consultations among the members of the Security Council, it has been agreed that henceforth issues pertaining to the International Residual Mechanism for Criminal Tribunals will be considered under an item entitled "International Residual Mechanism for Criminal Tribunals" (IRMCT), under which will be subsumed the earlier consideration by the Council of issues pertaining to the items entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994".

* Reissued for technical reasons on 9 February 2018.

18-01698* (E) 090218

Please recycle